

FILED
U.S. DISTRICT COURT
MIDDLE DISTRICT OF TENN.



NO. 3:24-00092

18 U.S.C. § 545
18 U.S.C. § 922(a)(1)(A)
18 U.S.C. § 922(a)(4)
18 U.S.C. § 922(o)
18 U.S.C. § 923(a)
18 U.S.C. § 933(a)(1)
18 U.S.C. § 933(a)(3)
18 U.S.C. § 924(a)(1)(B)
18 U.S.C. § 924(a)(1)(D)
18 U.S.C. § 924(a)(2)
22 U.S.C. § 2778(b)(2)
22 U.S.C. § 2778(c)

Case 3:24-cr-00092 Document 3 Filed 05/01/24 Page 1 of 13 PageID #: 3

In violation of Title 22, United States Code, Sections 2778(b)(2) and 2778(c), and Title 27, Code of Federal Regulations, Sections 447.21, 447.31 and 447.32.

COUNT TWO

(Smuggling Goods into the United States—18 U.S.C. § 545)

THE GRAND JURY FURTHER CHARGES:

On or about October 26, 2022, in the Middle District of Tennessee, the defendant, **FRANK ROSS TALBERT**, did knowingly and willfully bring into the United States certain merchandise, to wit: a plastic AK-type pistol grip and an AK-type upper and lower front hand guard, contrary to law, in that this merchandise was imported without first obtaining the required license and authorization from the Bureau of Alcohol, Tobacco, Firearms, and Explosives, in violation of Title 22, United States Code, Sections 2778(b)(2) and (c) and Title 27, Code of Federal Regulations, Sections 447.21, 447.31 and 447.32.

In violation of Title 18, United States Code, Section 545.

COUNT THREE

(Arms Export Control Act Import Violation— 22 U.S.C. § 2778(b)(2))

THE GRAND JURY FURTHER CHARGES:

On or about January 11, 2023, in the Middle District of Tennessee, the defendant, **FRANK ROSS TALBERT**, did knowingly and willfully import, attempt to import, and cause to be imported into the United States from Russia, certain defense articles listed on the United States Munitions List, to wit: two AK-type buttstocks, designated on the United States Import Munitions List within Title 27, Code of Federal Regulations, Section 447.21, Category I(b), without having first obtained the required license and authorization from the Bureau of Alcohol, Tobacco, Firearms, and Explosives.

In violation of Title 22, United States Code, Sections 2778(b)(2) and 2778(c), and Title 27, Code of Federal Regulations, Sections 447.21, 447.31 and 447.32.

COUNT FOUR

(Smuggling Goods into the United States—18 U.S.C. § 545)

THE GRAND JURY FURTHER CHARGES:

On or about January 11, 2023, in the Middle District of Tennessee, the defendant, **FRANK ROSS TALBERT**, did knowingly and willfully bring into the United States certain merchandise, to wit: two AK-type buttstocks, contrary to law, in that this merchandise was imported without first obtaining the required license and authorization from the Bureau of Alcohol, Tobacco, Firearms, and Explosives, in violation of Title 22, United States Code, Sections 2778(b)(2) and (c) and Title 27, Code of Federal Regulations, Sections 447.21, 447.31 and 447.32.

In violation of Title 18, United States Code, Section 545.

COUNT FIVE

(Arms Export Control Act Import Violation—22 U.S.C. § 2778(b)(2))

THE GRAND JURY FURTHER CHARGES:

On or about January 17, 2023, in the Middle District of Tennessee, the defendant, **FRANK ROSS TALBERT**, did knowingly and willfully import, attempt to import, and cause to be imported into the United States from Russia, certain defense articles listed on the United States Munitions List, to wit: two receiver stubs, two selector levers, front sight, muzzle device, and an AK-type folding stock piece, designated on the United States Import Munitions List within Title 27, Code of Federal Regulations, Section 447.21, Category I(b), without having first obtained the required license and authorization from the Bureau of Alcohol, Tobacco, Firearms, and Explosives.

In violation of Title 22, United States Code, Sections 2778(b)(2) and 2778(c), and Title 27, Code of Federal Regulations, Sections 447.21, 447.31 and 447.32.

COUNT SIX

(Smuggling Goods into the United States—18 U.S.C. § 545)

THE GRAND JURY FURTHER CHARGES:

On or about January 17, 2023, in the Middle District of Tennessee, the defendant, **FRANK ROSS TALBERT**, did knowingly and willfully bring into the United States certain merchandise, to wit: two receiver stubs, two selector levers, front sight, muzzle device, and an AK-type folding stock piece, contrary to law, in that this merchandise was imported without first obtaining the required license and authorization from the Bureau of Alcohol, Tobacco, Firearms, and Explosives in violation of Title 22, United States Code, Sections 2778(b)(2) and (c) and Title 27, Code of Federal Regulations, Sections 447.21, 447.31 and 447.32.

In violation of Title 18, United States Code, Section 545.

COUNT SEVEN

(Arms Export Control Act Import Violation—22 U.S.C. § 2778(b)(2))

THE GRAND JURY FURTHER CHARGES:

On or about January 19, 2023, in the Middle District of Tennessee, the defendant, **FRANK ROSS TALBERT**, did knowingly and willfully import, attempt to import, and cause to be imported into the United States from Russia, certain defense articles listed on the United States Munitions List, to wit: four AK-type front hand guards and one front top hand guard, designated on the United States Import Munitions List within Title 27, Code of Federal Regulations, Section 447.21, Category I(b), without having first obtained the required license and authorization from the Bureau of Alcohol, Tobacco, Firearms, and Explosives.

In violation of Title 22, United States Code, Sections 2778(b)(2) and 2778(c), and Title 27, Code of Federal Regulations, Sections 447.21, 447.31 and 447.32.

COUNT EIGHT

(Smuggling Goods into the United States—18 U.S.C. § 545)

THE GRAND JURY FURTHER CHARGES:

On or about January 19, 2023, in the Middle District of Tennessee, the defendant, **FRANK ROSS TALBERT**, did knowingly and willfully bring into the United States certain merchandise, to wit: four AK-type front hand guards and one front top hand guard, contrary to law, in that this merchandise was imported without first obtaining the required license and authorization from the Bureau of Alcohol, Tobacco, Firearms, and Explosives, in violation of Title 22, United States Code, Sections 2778(b)(2) and (c) and Title 27, Code of Federal Regulations, Sections 447.21, 447.31 and 447.32.

In violation of Title 18, United States Code, Section 545.

COUNT NINE

(Arms Export Control Act Import Violation— 22 U.S.C. § 2778(b)(2))

THE GRAND JURY FURTHER CHARGES:

On or about February 27, 2023, in the Middle District of Tennessee, the defendant, **FRANK ROSS TALBERT**, did knowingly and willfully import, attempt to import, and cause to be imported into the United States from Poland, certain defense articles listed on the United States Munitions List, to wit: six AK-type gas tubes, designated on the United States Import Munitions List within Title 27, Code of Federal Regulations, Section 447.21, Category I(b), without having first obtained the required license and authorization from the Bureau of Alcohol, Tobacco, Firearms, and Explosives.

In violation of Title 22, United States Code, Sections 2778(b)(2) and 2778(c), and Title 27, Code of Federal Regulations, Sections 447.21, 447.31 and 447.32.

COUNT TEN

(Smuggling Goods into the United States—18 U.S.C. § 545)

THE GRAND JURY FURTHER CHARGES:

On or about February 27, 2023, in the Middle District of Tennessee, the defendant, **FRANK ROSS TALBERT**, did knowingly and willfully bring into the United States certain merchandise, to wit: six AK-type gas tubes, contrary to law, in that this merchandise was imported without first obtaining the required license and authorization from the Bureau of Alcohol, Tobacco, Firearms, and Explosives, in violation of Title 22, United States Code, Sections 2778(b)(2) and (c) and Title 27, Code of Federal Regulations, Sections 447.21, 447.31 and 447.32.

In violation of Title 18, United States Code, Section 545.

COUNT ELEVEN

(Arms Export Control Act Import Violation—22 U.S.C. § 2778(b)(2))

THE GRAND JURY FURTHER CHARGES:

On or about June 12, 2023, in the Middle District of Tennessee, the defendant, **FRANK ROSS TALBERT**, did knowingly and willfully import, attempt to import, and cause to be imported into the United States from Russia, certain defense articles listed on the United States Munitions List, to wit: two AK-type buttstocks and AK-type parts, designated on the United States Import Munitions List within Title 27, Code of Federal Regulations, Section 447.21, Category I(b), without having first obtained the required license and authorization from the Bureau of Alcohol, Tobacco, Firearms, and Explosives.

In violation of Title 22, United States Code, Sections 2778(b)(2) and 2778(c), and Title

27, Code of Federal Regulations, Sections 447.21, 447.31 and 447.32.

COUNT TWELVE

(Smuggling Goods into the United States—18 U.S.C. § 545)

THE GRAND JURY FURTHER CHARGES:

On or about June 12, 2023, in the Middle District of Tennessee, the defendant, **FRANK ROSS TALBERT**, did knowingly and willfully bring into the United States certain merchandise, to wit: two AK-type buttstocks and AK-type parts, contrary to law, in that this merchandise was imported without first obtaining the required license and authorization from the Bureau of Alcohol, Tobacco, Firearms, and Explosives in violation of Title 22, United States Code, Sections 2778(b)(2) and (c) and Title 27, Code of Federal Regulations, Sections 447.21, 447.31 and 447.32.

In violation of Title 18, United States Code, Section 545.

COUNT THIRTEEN

(Arms Export Control Act Import Violation—22 U.S.C. § 2278(b)(2))

THE GRAND JURY FURTHER CHARGES:

On or about July 8, 2023, in the Middle District of Tennessee, the defendant, **FRANK ROSS TALBERT**, did knowingly and willfully import, attempt to import, and cause to be imported into the United States from Germany, certain defense articles listed on the United States Munitions List, to wit: twenty-one buttstocks, one pistol grip, one handguard, one gas tube and one receiver, designated on the United States Import Munitions List within Title 27, Code of Federal Regulations, Section 447.21, Category I(b), without having first obtained the required license and authorization from the Bureau of Alcohol, Tobacco, Firearms, and Explosives.

In violation of Title 22, United States Code, Sections 2778(b)(2) and 2778(c), and Title 27, Code of Federal Regulations, Sections 447.21, 447.31 and 447.32.

COUNT FOURTEEN

(Smuggling Goods into the United States—18 U.S.C. § 545)

THE GRAND JURY FURTHER CHARGES:

On or about July 8, 2023, in the Middle District of Tennessee, the defendant, **FRANK ROSS TALBERT**, did knowingly and willfully bring into the United States certain merchandise, to wit: twenty-one buttstocks, one pistol grip, one handguard, one gas tube and one receiver, contrary to law, in that this merchandise was imported without first obtaining the required license and authorization from the Bureau of Alcohol, Tobacco, Firearms, and Explosives, in violation of Title 22, United States Code, Sections 2778(b)(2) and (c) and Title 27, Code of Federal Regulations, Sections 447.21, 447.31 and 447.32.

In violation of Title 18, United States Code, Section 545.

COUNT FIFTEEN

(Arms Export Control Act Import Violation—22 U.S.C. § 2278(b)(2))

THE GRAND JURY FURTHER CHARGES:

On or about September 8, 2023, in the Middle District of Tennessee, the defendant, **FRANK ROSS TALBERT**, did knowingly and willfully import, attempt to import, and cause to be imported into the United States from the Czech Republic, also known as Czechia, certain defense articles listed on the United States Munitions List, to wit: fifty-five inert rifle grenades designated on the United States Import Munitions List within Title 27, Code of Federal Regulations, Section, 447.21, Category IV(a), without having first obtained the required license and authorization from the Bureau of Alcohol, Tobacco, Firearms, and Explosives.

In violation of Title 22, United States Code, Sections 2778(b)(2) and 2778(c), and Title

27, Code of Federal Regulations, Sections 447.21, 447.31 and 447.32.

COUNT SIXTEEN

(Smuggling Goods into the United States—18 U.S.C. § 545)

THE GRAND JURY FURTHER CHARGES:

On or about September 8, 2023, in the Middle District of Tennessee, the defendant, **FRANK ROSS TALBERT**, did knowingly and willfully bring into the United States certain merchandise, to wit: fifty-five inert rifle grenades, contrary to law, in that this merchandise was imported without first obtaining the required license and authorization from the Bureau of Alcohol, Tobacco, Firearms, and Explosives, in violation of Title 22, United States Code, Sections 2778(b)(2) and (c) and Title 27, Code of Federal Regulations, Sections 447.21, 447.31 and 447.32.

In violation of Title 18, United States Code, Section 545.

COUNT SEVENTEEN

(Firearms Trafficking—18 U.S.C. § 933(a)(1) & (a)(3))

THE GRAND JURY CHARGES:

On or about September 12, 2023, in the Middle District of Tennessee and elsewhere, the defendant, **FRANK ROSS TALBERT** did knowingly ship, transport, transfer, cause to be transported, and otherwise dispose of a firearm, to wit: a partially destroyed 7.62x39mm caliber, AK47-type firearm kit to another person, in and affecting interstate and foreign commerce, knowing and having reasonable cause to believe that the use, carrying, and possession of a firearm by the recipient would constitute a felony, and did attempt to do the same.

In violation of Title 18, United States Code, Sections 933(a)(1) and (a)(3).

COUNT EIGHTEEN

(Possession of an Unregistered Machine Gun—18 U.S.C. § 922(o))

THE GRAND JURY FURTHER CHARGES:

On or about September 12, 2023, in the Middle District of Tennessee, the defendant, **FRANK ROSS TALBERT**, did knowingly possess a machinegun, that is, a partially destroyed 7.62x39mm caliber, AK47-type firearm kit.

In violation of Title 18, United States Code, Sections 922(o) and 924(a)(2).

COUNT NINETEEN

(Transporting Prohibited Weapons without a License—18 U.S.C. § 922(a)(4))

THE GRAND JURY FURTHER CHARGES:

On or about September 12, 2023, in the Middle District of Tennessee, the defendant, **FRANK ROSS TALBERT**, not being a licensed dealer, importer, manufacturer, and collector of firearms within the meaning of Chapter 44, Title 18, United States Code, knowingly transported in interstate commerce from Tennessee to Kentucky a machinegun, as defined in Title 26, United States Code, Section 5845(b), that is, a partially destroyed 7.62x39mm caliber, AK47-type firearm kit, without the specific authorization of the Attorney General.

In violation of Title 18, United States Code, Sections 922(a)(4) and 924(a)(1)(B).

COUNT TWENTY

(Dealing in Firearms Without a License—18 U.S.C. § 922(a)(1)(A))

THE GRAND JURY FURTHER CHARGES:

From on or about June 16, 2023, to on or about September 12, 2023, in the Middle District of Tennessee, the defendant, **FRANK ROSS TALBERT**, not being a licensed importer,

manufacturer and dealer of firearms within the meaning of Chapter 44, Title 18, United States Code, did willfully engage in the business of dealing in firearms.

In violation of Title 18, United States Code, Sections 922(a)(1)(A), 923(a), and 924(a)(1)(D).

COUNT TWENTY-ONE

(Possession of an Unregistered Machine Gun—18 U.S.C. § 922(o))

THE GRAND JURY FURTHER CHARGES:

On or about October 18, 2023, in the Middle District of Tennessee, the defendant, **FRANK ROSS TALBERT**, did knowingly possess a machinegun, that is, a 7.62x39mm caliber Yugoslavian, M64 type firearm, with identifying number B-56801; a 7.62x39mm caliber, Russian manufactured AK47, type 1 firearm, with identifying number HP3685; a 7.62x39mm caliber, Bulgarian manufactured AK47, type 2 firearm with identifying number 3080; a 7.62x39mm caliber, Russian manufactured AK47, Type 2 firearm with an obliterated serial number, and a 7.62x39mm caliber Czechoslovakian, VZ58 receiver, with identifying number R25381.

In violation of Title 18, United States Code, Sections 922(o) and 924(a)(2).

FORFEITURE ALLEGATIONS

The allegations contained in this Indictment are re-alleged and incorporated by reference as if fully set forth in support of this forfeiture.

Upon conviction of Counts Seventeen, Eighteen, Nineteen, Twenty, or Twenty-One of this Indictment, defendant **FRANK ROSS TALBERT** shall forfeit to the United States, pursuant to Title 18, United States Code, Section 924(d)(1) by Title 28, United States Code, Section 2461(c):

- (A) any firearm or ammunition involved in or used in a knowing violation of the offense; and

- (B) any firearm or ammunition intended to be used in the offense, where such intent is demonstrated by clear or convincing evidence.

The property to be forfeited includes, but is not limited to:

1. partially destroyed 7.62x39mm caliber, AK47-type firearm kit;
2. 7.62x39mm caliber Yugoslavian, M64 type firearm, with identifying number B-56801;
3. 7.62x39mm caliber, Russian manufactured AK47, type 1 firearm, with identifying number HP3685;
4. 7.62x39mm caliber, Bulgarian manufactured AK47, type 2 firearm with identifying number 3080;
5. 7.62x39mm caliber, Russian manufactured AK47, Type 2 firearm with an obliterated serial number; and
6. 7.62x39mm caliber Czechoslovakian, VZ58 receiver, with identifying number R25381.

Upon conviction of Counts Two, Four, Six, Eight, Ten, Twelve, Fourteen or Sixteen of this Indictment, the defendant, **FRANK ROSS TALBBERT** shall forfeit to the United States, pursuant to Title 18, United States Code, Section 982(B), any property constituting, or derived from, proceeds obtained, directly or indirectly, as a result of the smuggling offenses in violation of Title 18, United States Code, Section 545; and pursuant to Title 18, United States Code, Section 545 and by Title 28, United States Code 2461(c), any merchandise introduced into the United States in violation of Title 18, United States Code, Section 545, or the value thereof.

The property to be forfeited includes, but is not limited to, the merchandise specified in Counts Two, Four, Six, Eight, Ten, Twelve, Fourteen and Sixteen of this Indictment.

A TRUE BILL


FOREPERSON

HENRY C. LEVENTIS
UNITED STATES ATTORNEY

A handwritten signature in dark ink, appearing to read "B.C. Farzad", written over a horizontal line.

BROOKE C. FARZAD
ASSISTANT UNITED STATES ATTORNEY